

PATENT

DOCKET SEI0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Stephan C. Ewing

:Examiner: **Ruth C. Rodriguez**

Serial Number: **10/802,242**

:Group 3677

Filed: 01/25/05

:Phone (571) 272-7070

:FAX (571) 273-8300

:Date **07/15/06**

10 For: Manually Releasable Clip Holder

SUBSTITUTE SECOND AMENDMENT

AFTER FINAL UNDER 37 C.F.R. 116

15 **Mail Stop: NON-FEE AMENDMENT**
Hon. Commissioner of Patents and Trademarks
PO BOX 1450
ALEXANDRIA, VA 22313-1450

20 **Dear Sir:**

This SUBSTITUTE SECOND AMENDMENT AFTER FINAL UNDER 37 C.F.R. 116 is intended to replace the SUBSTITUTE SECOND AMENDMENT AFTER FINAL UNDER 37 C.F.R. 116 that was submitted yesterday using the EFS. This substitute amendment adds a typo correction and a new sentence to the
25 **specification to clarify the changes to claim 1 and 24.**

By way of review, an Office Action mailed 10/06/05 required an Election of Species. A response was mailed on 10/25/05 with the required election. An Office Action on the merits was mailed on

30

A First Office Action was mailed to the client on 01/12/06

Applicant's First Response to the First Office Action was mailed to the PTO on 04/11/06.

35

A Second Office Action on the Merits and a Final Rejection was mailed to the client on 07/06/06

5 This Second Amendment is in response to the Second Office Action of 07/06/06. The rejection in the second Office Action indicated that the remaining claims in the case might be allowed with minor changes so the Examiner was contacted by phone on 07/11/06 and on 07/12/06 for the purpose of discussing how the pending independent claims in the subject application could be amended to avoid US 6,233,788 to Choi which was received with the Second Office Action.

10

The words added by this Second Amendment to the independent claims, as they now are amended by the First Amendment, are intended to distinguish “applicant’s “flap bottom edge” shown in applicants Fig. 1 et al as (31b) from the far end of the flap shown as reference 23 in Fig. 1 of the “788” reference.

15

The Examiner has confirmed that in the claims, that claim 2 is canceled and is not “objected to” as shown on the PTOL 326 mailed with the Office Action of 07/06/06

Please amend the Specification as follows:

20

Please change the word “figure” to ---Figure---
at the following locations in the specification:

Page 4, line 19

Page 9, line 13 and

25 Page 12, line 4

At page 12, line 27, between the phrase “at 31b.” and the phrase “The gap between insert the ...” please insert the following sentence:

30 “The flap bottom edge 31b is on a portion of Flap 30 that extends toward the insert channel 50 from the pivot axis at the Flap Top Axis 31a.”

Please amend the claims as follows:

5

1. (currently amended) A manually releasable clip holder for receiving, holding and manually releasing a serpentine clip comprising:

- 10 a base-plate, the base plate being substantially flat,
an insert coupled to the base-plate, the insert having an insert cover positioned over the base plate to form an insert channel over the base plate, the insert cover having a top edge, a bottom edge, and an inner surface and an outer surface, the insert channel having an insert channel entrance adjacent the insert cover top edge,
15 a flap pivotally coupled to the base plate, the flap having **[[a]]** top and bottom edges,
a spring coupled to restore the flap to a predetermined restored position with the flap bottom edge positioned above the insert cover top edge with the flap bottom edge extended toward the insert channel and protruding beyond the insert cover outer surface by a predetermined insert cover outer surface to flap bottom edge
20 clearance distance that is greater than zero.

2. (canceled)

3. (original) The manually releasable clip holder of claim 1 wherein the base-
25 plate has a top end and a bottom end, the top end having
a receiving fold formed from a first flange region,
the flap having top edge positioned in the receiving fold of the base plate,
the spring coupled between the base-plate and the flap being formed and
30 coupled to the base plate to restore the flap to its restored position and to hold the flap top edge in the receiving fold.

4. (previously presented) The manually releasable clip holder of claim 1 further comprising:

5 a body, the base-plate forming the floor of the body, the base-plate having a top end, a bottom end and a longitudinal axis, the insert having a longitudinal axis aligned with the longitudinal axis of the base plate,

the flap being formed from a thin walled plate material having a left edge, a right edge, a top edge, and a longitudinal axis parallel to the longitudinal axis of the base plate, the flap being formed to have left and right flap pivot flanges extending outward from the left edge and the right edge transverse to the longitudinal axis from root locations near the top edge,

10 the body having a left sidewall and a right sidewall, the left sidewall and the right sidewall being positioned to be substantially normal to the base plate, each sidewall having a respective flap flange receiving hole formed therein to receive a corresponding left and right flap pivot flange to permit the flap to pivot on the left and right flap pivot flanges.

5. (previously presented) The manually releasable clip holder of claim 1 wherein:

20 the base-plate is substantially rectangular, formed from thin walled material and having a top end, a bottom end, a left edge and a right edge, a left sidewall being formed on the left edge, a right sidewall being formed on the right edge, each respective sidewall extending vertically from the base-plate,

the flap being formed from a thin walled material and having a left edge, a right edge, and wherein the flap further comprises:

25 a rod coupled to the flap near to the top end, the rod extending past the flap's left edge and the right edge parallel to the top bottom edge and forming a flap pivot axel having a left and a right axel end,

30 the left sidewall and the right sidewall each having a hole formed therein to receive the corresponding left and right axel end,

the flap thereby using the rod as a pivot axel for the flap.

6. (original) The manually releasable clip holder of claim 1 further comprising:

5 a body, the base-plate forming the floor of the body, the body being formed from a thin wall plate material, the base-plate having a top end, a bottom end and a longitudinal axis, the insert having a longitudinal axis aligned with the longitudinal axis of the base plate, and a leather pad having at least one belt loop, the body being coupled to the leather pad.

7. (previously presented) A manually releasable clip holder for receiving and holding a serpentine clip coupled to a tool or object, the manually releasable clip holder comprising:

10 a body having a base-plate positioned between a left sidewall and right sidewall, the base-plate being substantially rectangular and having a top end, a bottom end and a longitudinal axis passing between the left sidewall and the right sidewall, the left and right sidewall extending vertically from the base-plate,

15 an insert coupled to the base plate between the left and right sidewalls, the insert having an insert left sidewall coupled to the body, an insert right sidewall coupled to the body, the insert left and insert right sidewalls supporting an insert cover positioned between the insert left sidewall and insert right sidewall, the insert cover having an outer surface and an inner surface, the insert cover inner surface facing the base-plate, the insert cover having a top edge and a bottom edge, the insert left sidewall, insert right sidewall and insert cover inner surface forming an insert channel having a channel aperture, the insert cover top edge forming a portion of the perimeter of the insert channel aperture.

20 a flap having a top edge, a bottom edge, a left edge, a right edge and a longitudinal axis parallel to the longitudinal axis of the base plate, the flap being pivotally coupled on a pivot axis to the body, the pivot axis being located to position the flap bottom edge above the insert channel top edge,

25 a spring coupled to the body and to the flap to restore the flap to a restored positioned with the bottom edge positioned above the channel aperture, a separation between the flap bottom edge in the restored position and the insert cover top edge forming a window to the channel aperture.

8. (original) The manually releasable clip holder of claim 7 wherein the base-plate has:

5 a receiving fold formed from a first flange region,
the flap top edge being positioned into the receiving fold of the base plate,

the spring coupled between the base-plate and the flap being formed to hold the flap top edge in the receiving fold.

10 9. (amended) The manually releasable clip holder of claim 7 wherein the body and the base-plate forming the floor of the body, are formed from a thin wall plate material, and wherein the insert has a longitudinal axis that is aligned with the longitudinal axis of the base plate,

15 the flap being formed from a thin walled plate material, the flap being formed to have left and right flap pivot flanges extending outward from the left edge and the right edge transverse to the longitudinal axis of the flap and from root locations near the top edge,

the left sidewall and a right sidewall of the body each having a flap flange receiving hole formed therein to receive a respective left pivot flange and right flap pivot flanges to permit the flap to pivot on the left and right flap pivot flanges.

10. (original) The manually releasable clip holder of claim 7 wherein the flap further comprises:

25 left and right travel limit flanges, and wherein
the body left sidewall and right sidewall have corresponding left and right travel limit apertures, the flap left and right travel limit flanges being positioned in the body's corresponding left and right travel limit apertures.

30

11. (original) The manually releasable clip holder of claim 7 further comprising:

5 a flap travel limit means for limiting the pivotal travel of the flap to stop the insert cover bottom edge at a restored limit position, the flap bottom edge protruding a predetermined clearance distance beyond the insert cover outer surface, the clearance distance being greater than zero, and

a leather pad having at least one belt loop, the body being coupled to the leather pad.

10 12. (withdrawn) A manually releasable clip holder for receiving and holding an article with a serpentine clip comprising:

an integral and homogeneous combination, spring and flap, formed from a single sheet of thin walled spring material, the combination, spring and flap having a top region forming a flap with a bottom edge having a left end and a right end,
15 a bottom region forming a base-plate having a right end and a left end,

a left spring leg region and a right spring leg region forming a left and right spring leg, the left and right spring legs extending from the base-plate left end and right end to corresponding flap bottom edge left end and right ends,

an insert, the insert having an insert left **sidewall** and an insert right
20 **sidewall**, the insert left and right **sidewalls** being separated by a cover, the insert left sidewall and insert right **sidewalls** being coupled to the base-plate, the cover being positioned to form an insert channel between the base-plate and the cover, the insert left and insert right sidewalls and the cover each having a top edge, the insert left and insert right sidewall top edges forming an aperture at the entrance to
25 the insert channel, the left spring leg and a right spring leg being formed to provide a restoring force to position the flap bottom edge above the insert cover top edge forming a window to the channel aperture,

a flap travel limit means for limiting the pivotal travel of the flap to stop the insert cover bottom edge at a restored limit position protruding a predetermined
30 insert cover outer surface to flap bottom edge clearance distance greater than zero.

13. (withdrawn) The manually releasable clip holder of claim 12 further comprising:

at least a first body shell flange coupled to the base-plate, the body shell flange having an overhang displaced from the base plate and protruding over a portion of the flap at a distance from the base plate selected to limit the return motion of the flap to limit the distance that the flap bottom edge moves beyond the outer surface of the insert cover top edge to a predetermined clearance between the insert cover top edge and the flap bottom edge.

14. (withdrawn) The manually releasable clip holder of claim 12 further comprising:

a leather pad having at least one belt loop, the body being coupled to the leather pad.

15. (withdrawn) The manually releasable clip holder of claim 12 wherein the insert left sidewall and insert right sidewalls and the cover have bottom edges positioned to be above the base-plate, the left spring leg and a right spring leg extending on alternate sides of the insert sidewalls beyond the cover top edge to join the flap at corresponding ends of the flap lower edge.

16. (withdrawn) A manually releasable clip holder for receiving and holding a serpentine clip comprising::

a body having a base-plate region with a longitudinal axis and extended regions on alternate sides of the longitudinal axis, the alternate sides being shaped and bent to form a left body sidewall and a right body **sidewall** normal to the base-plate region, the base-plate having a top end and a bottom end,

an insert of thin walled material having the insert left sidewall and an insert right **sidewall**, and an insert cover, the insert left and right sidewall and the insert cover each having an outer surface, an inner surface and a top and bottom edge, each **sidewall** being coupled to the body between the body left and body right body sidewalls,

the insert left and right **sidewall** s supporting the insert cover above the base-plate, the insert cover top edge, and the insert left and right sidewall top edges forming a channel aperture at the entrance to an insert channel positioned between the insert channel left and right sidewalls and above the floor of the base-plate,

5 the body base-plate having an extended region shaped and bent at a base-plate top-end to form a shoulder, the shoulder leading to a further extended base-plate region shaped to form a flap having a bottom edge distal from the shoulder, the shoulder being formed to position the flap above the base-plate,

the flap bottom edge being positioned above the insert cover top edge to
10 form a window to the channel aperture, the flap shoulder material being shaped to allow the flap to be displaced toward the base-plate in response to a light manual force applied to the flap or in response to a light deflection force from a serpentine clip pressing against the flap to admit the clip into the insert channel, the shoulder functioning as a spring between the base-plate and the flap to provide a restoring force to return the flap
15 to a predetermined restored position with a separation between the flap bottom edge in the restored position and the insert cover top edge and

means for limiting the distance that the flap bottom edge moves beyond the outer surface of the insert.

20 17. (original) The manually releasable clip holder of claim 1 where in the means for limiting the distance that the flap bottom edge moves beyond the outer surface of the insert further comprises:

a flap having left and right travel limit flanges, and wherein
the body left sidewall and right sidewall have corresponding left and
25 right travel limit apertures, the flap left and right travel limit flanges being positioned in the body's corresponding left and right travel limit apertures to limit the travel of the flap when the flap is in the restored position.

30

18. (withdrawn) A manually releasable clip holder for receiving and holding a tape measure clip comprising::

5 a body having a base-plate region with a longitudinal axis and extended regions on alternate sides of the longitudinal axis, the alternate sides being shaped and bent to form a left body sidewall and a right body **sidewall** normal to the base-plate region, the base-plate having a top end and a bottom end,

an insert of thin walled material having the insert left sidewall, an insert right **sidewall**, and an insert cover, the insert **sidewall** and the insert cover each having an outer surface, an inner surface and a top and bottom edge, each insert **sidewall** being
10 coupled to the base-plate between the left and right body sidewalls,

the insert left sidewall and insert right **sidewall** supporting the insert cover above the base-plate, the insert left sidewall top edge and right sidewall top edge, the insert cover top edge forming a channel aperture at the entrance to an insert channel between the insert channel left and right sidewalls and above the floor of the base-plate,
15 a flap having a bottom edge and a first region that extends away from the flap bottom edge to a top shoulder, the top shoulder being followed by a second region formed to extend in the direction of the flap bottom edge, the second region terminating in a hook shoulder, the hook shoulder being formed to extend into a hook flange region in the direction of the base plate top end,

20 the body base-plate having a base aperture positioned above the flap lower edge, the flap first region, top shoulder, foot flange region, hook shoulder and hook flange being formed to permit the hook flange to be inserted through the base aperture, each region and shoulder being formed and coupled to the base plate to position the flap lower edge above the insert cover top edge, to form a window to the
25 channel aperture, the flap being displaced toward the base-plate in response to a light manual force or in response to a light deflection force from a serpentine clip to admit the clip into the insert channel via the insert aperture.

30

19. (withdrawn) The manually releasable clip holder of claim 18 wherein
the top shoulder, foot flange, hook shoulder and hook flange functioning
as a spring between the base-plate and the flap to provide a restoring force to return the
flap to a predetermined restored position with a separation between the flap bottom
5 edge in the restored position and the insert cover top edge,
wherein a means for limiting the distance that the flap bottom edge
moves beyond the outer surface of the insert cove comprises:
a flap having left and right travel limit flanges, and wherein
the body left sidewall and right sidewall have corresponding left and
10 right travel limit apertures, the flap left and right travel limit flanges being positioned in
the body's corresponding left and right travel limit apertures.

20. (withdrawn) The manually releasable clip holder of claim 18 further
comprising:
15 means for limiting the distance that the flap bottom edge travels beyond
the insert cover outer surface to establish an insert cover outer surface to flap bottom
edge clearance distance when the flap is in the restored position.

20

25

30

21. (previously presented) A manually releasable clip holder for receiving, holding and manually releasing a serpentine clip comprising:

- a base-plate, the base plate being substantially flat,
- an insert coupled to the base-plate, the insert having an insert cover
- 5 positioned over the base plate to form an insert channel over the base plate, the insert cover having a top edge, a bottom edge, an inner and an outer surface, the insert channel having an insert channel entrance adjacent the insert cover top edge,
- a flap and spring combination (30), (126), (140), the flap and spring combination being formed from a single homogeneous piece of material and having a
- 10 flap portion (30) pivotally coupled to the base plate, the flap portion (30) having a bottom edge (31b),
- the flap and spring combination having a spring portion coupled to restore the flap portion (30) to a predetermined restored position with the flap bottom edge (31b) **extended toward the insert channel, the bottom edge being** positioned
- 15 above the insert cover top edge with the flap bottom edge (31b) protruding beyond the insert cover outer surface (38) by a predetermined insert cover outer surface to flap bottom edge clearance distance (41) that is greater than zero .

22. (previously presented) The manually releasable clip holder for receiving and
20 holding ~~a tape measure~~ **the serpentine** clip of claim (21) comprising::

- a body (16) having a base-plate region (18) with a longitudinal axis that is shaped and bent to form a left body sidewall (20) and a right body sidewall (22) normal to the base-plate region (18), the base plate region having a top end,
- an insert (24) of thin walled material having the insert left sidewall (32a),
- 25 an insert right sidewall (32b), and an insert cover (28), the insert cover having an outer surface (38), an inner surface and a top edge (29a), each insert sidewall being coupled to the base-plate between the left and right body sidewalls (20), (22),
- the insert left sidewall (32a) and insert right sidewall (32b) supporting the insert cover (28) above the base-plate (16), the insert left sidewall top edge and right
- 30 sidewall top edge, the insert cover top edge (29a) forming a channel aperture (52) at the entrance to an insert channel (50b) between the insert channel left and right sidewalls

(32a),(32b) and above the floor of the base-plate (16),

the flap and spring combination (140) having a flap region that extends away from the flap bottom edge (31b) to a top U-Bend (142), the top U-bend (142) being followed by a foot flange region (144) formed to extend in a reverse direction
5 toward the flap bottom edge (31b), the foot flange region (144) terminating in a hook shoulder (146), the hook shoulder being formed to extend into a hook flange region (150) in the direction of away from the flap bottom edge,

the body base-plate (18) having a base aperture (148) positioned above the flap lower edge (31b), the flap region (30), top U-bend (142), foot flange region
10 (144), hook shoulder (146) and hook flange (150) being formed to permit the hook flange to be inserted through the base aperture (148), each region and shoulder being formed and coupled to the base plate to return the flap bottom edge (31b) to the predetermined position protruding beyond the insert cover outer surface (38) by a predetermined insert cover outer surface to flap bottom edge clearance distance (41) that
15 is greater than zero,

the position the flap lower edge (31b) above the insert cover top edge (29a) forming a window with a window height (36) leading to the channel aperture (52), the flap (30) portion of the flap and spring combination (140) being displaced toward the base-plate (16) in response to a light manual force or in response to a light deflection
20 force from a serpentine clip to admit the clip into the insert channel (50) via the insert aperture (52).

23. (previously presented) The manually releasable clip holder of claim 21 wherein

25 the top U-bend (142), foot flange region (144), hook shoulder (146) and hook flange (150) are formed to function as a spring between the base-plate (16) and the flap portion (30) of the flap and spring combination (140) to provide a restoring force to return the flap to a predetermined restored position with a separation between the flap bottom edge in the restored position and the insert cover top edge (29a),

30 wherein a means for limiting the distance that the flap bottom edge moves beyond the outer surface of the insert cove comprises:

a flap portion (30) having left and right travel limit flanges (82a), (82b),
and wherein

the body left sidewall (20) and right sidewall (22) have corresponding
left and right travel limit apertures (84a), (84b), the flap left and right travel limit
5 flanges (82a), (82b) being positioned in the body's corresponding left and right travel
limit apertures.

24. (previously presented) The manually releasable clip holder of claim 21
further comprising:

10 means for limiting the distance that the flap bottom edge (31b) travels
beyond the insert cover outer surface (38) to establish an insert cover outer surface to
flap bottom edge clearance distance (41) when the flap portion (30) of the flap and
spring combination (140) is in the restored position.

15

REMARKS

This Second Amendment is in response to the Examiner's paper mailed 07/06/06.

- 5 Claim 1 is now amended to distinguish the flap 30 and more particularly its bottom edge 31b from the portion of the flap designated as 23 in Figure 1 in US 6,233,788 to Choi by amending the last paragraph in Claim 1 and Claim 21 as follows:

10 “a spring coupled to restore the flap to a predetermined
restored position with the flap bottom edge positioned
above the insert cover top edge with the flap bottom edge
extended toward the insert channel and protruding
beyond the insert cover outer surface by a predetermined
insert cover outer surface to flap bottom edge clearance
15 distance that is greater than zero.”

Claim 22 is amended to substitute the phrase “ the Serpentine” for ~~a tape measure~~ to conform the phrase in claim 22.to the phrase in claim 21.

- 20 The following sentence is presented as an addition to the Specification at page 12, line 27 to clarify that the bottom edge of the flap is on the portion of the flap that extends toward the insert channel 50 and not in the opposite direction.

25 “The flap bottom edge 31b is on a portion of Flap 30 that
extends toward the insert channel 50 from the pivot axis
at the Flap Top Axis 31a.”

- Claims 21 through 24 were inserted to cover the embodiment shown in Figures 9a - 9d,10a and 10b which integrate the spring and flap into a single component. Reference
30 numbers were originally inserted into these claims to direct the reader to elements on

the drawings and in the specification that correspond to the terms of art that are used in the specification. The inserted reference numbers are now captured by brackets.

Claims 3 - 6 and 17 were objected to for depending on a rejected base claim. Base

5 Claim 1 is now believed to be allowable with the limitation of Claim 2 and the limitation that was added to avoid Choi as discussed above. Therefore claims 3 - 6 and 17 should now be allowable.

10 The Examiner rejected claim 24 as being anticipated by Choi. Claim 24 depends from claim 21 which is now amended in the same way as Claim 1 to avoid Choi. Claim 21 is therefore now believed to be in condition for allowance. Therefore, Claim 24 now depends from an allowable base claim and should be allowed.

The Commissioner is hereby authorized to charge any additional fees which
15 may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 500656. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 500656. If any extensions of time
20 are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 500656.

Respectfully Submitted,

25

_____/JAMES F. KIRK/_____
James F. Kirk
Registration No. 29,398,

Phone (714) 840-1403

30 Fax (714) 840-8434

Mail Correspondence to:
16365 Maruffa Circle
Huntington Beach, CA 92649-2134

35

